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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,658	02/05/2004	Yigang Cai	31	5579

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/772,658	CAI, YIGANG	
	Examiner	Art Unit	
	Brandon J. Miller	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Gellens.

Regarding claim 1 Gellens teaches a method of screening a Short Message Service (SMS) or Multimedia Message (MMS) call in an SMS or MMS center (see abstract and paragraphs [0008] & [0056]). Gellens teaches responsive to receipt of an SMS or MMS call, determining whether a calling party of the call may attempt to complete the call (see paragraph [0037] & [0038]). Gellens teaches responsive to determining that a caller of the call may attempt to complete the call, determining whether a called party of the call is willing to accept calls from the calling party (see paragraph [0045] and Fig. 6). Gellens teaches determining whether the called party has allowed calls having characteristics of the call to be completed to the called party (see paragraph [0046]). Gellens teaches wherein the step of determining whether the called party is willing to accept calls from the calling party comprises the step of determining whether the called party has screened calls from the calling party (see paragraph [0045] and Fig. 6).

Regarding claim 13 Gellens teaches an apparatus for screening a Short Message Service (SMS) or Multimedia Message (MMS) call in an SMS or MMS center (see abstract and

paragraphs [0008] & [0056]). Gellens teaches responsive to receipt of an SMS or MMS call, determining whether a calling party of the call may attempt to complete the call (see paragraph [0037] & [0038]). Gellens teaches responsive to determining that a caller of the call may attempt to complete the call, determining whether a called party of the call is willing to accept calls from the calling party (see paragraph [0045] and Fig. 6). Gellens teaches determining whether the called party has allowed calls having characteristics of the call to be completed to the called party (see paragraph [0046]). Gellens teaches wherein the step of determining whether the called party is willing to accept calls from the calling party comprises the step of determining whether the called party has screened calls from the calling party (see paragraph [0045] and Fig. 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of Cast.

Regarding claim 2 Gellens teaches a device as recited in claim 1 except for determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party. Cast teaches determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party (see abstract, col. 40, lines 52-61 and col. 42, lines 3-6). It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to make the device adapt to include determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party because this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 3 Gellens and Cast teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 14 Gellens and Cast teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 15 Gellens and Cast teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Claims 4-5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of Molnar.

Regarding claim 4 Gellens teaches a device as recited in claim 1 except for testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party. Molnar teaches testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party (see paragraphs [0034] & [0035]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party because this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 5 Gellens teaches a device as recited in claim 1 except for testing whether the calling party may complete SMS or MMS calls to a roamer; and if the calling party may not complete SMS or MMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer. Molnar teaches testing whether the calling party may complete SMS or MMS calls to a roamer (see paragraph [0032]). Molnar teaches and if the calling party may not complete SMS or MMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer (see paragraphs [0032], [0034] & [0035]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the calling party may complete SMS or MMS calls to a roamer; and if the calling party may not complete SMS or MMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer because this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 16 Gellens and Molnar teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 17 Gellens and Molnar teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Claims 6, 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of Allison.

Regarding claim 6 Gellens teaches a device as recited in claim 1 except for testing whether the destination number of the called party is in a list of numbers to which the calling

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party may not complete SMS or MMS calls. Allison teaches testing whether the destination number of the called party is in a list of numbers to which the calling party may not complete SMS or MMS calls (see abstract, col. 8, lines 45-67 and col. 9, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the destination number of the called party is in a list of numbers to which the calling party may not complete SMS or MMS calls because this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 8 Allison teaches testing whether the keyword, subject, title, or URL of a web page of the SMS or MMS call is on a list of call types which the called party does not wish to receive (see abstract, col. 8, lines 45-67 and col. 9, lines 1-10).

Regarding claim 18 Gellens and Allison teaches a device as recited in claim 8 and is rejected given the same reasoning as above.

Claims 7, 9-12 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of Kim.

Regarding claim 7 Gellens teaches a device as recited in claim 1 except for testing whether the calling party may originate a service type of the call. Kim teaches testing whether a calling party may originate a service type of the call (see paragraph [0019]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the calling party may originate a service type of the call because this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

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Regarding claim 9 Gellens and Kim teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 10 Kim teaches testing whether a content classification of the call is one in which the called party is willing to accept (see paragraph [0019]).

Regarding claim 11 Gellen teaches a device as recited in claim 1 except for determining whether the call identifies a merchant from which the called party does not wish to receive SMS or MMS calls. Kim teaches allowing a user to register an unsolicited phone number or word that would be used to determine which messages would be deleted (see paragraph [0025]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include determining whether the call identifies a merchant from which the called party does not wish to receive SMS or MMS calls because a merchant can be identified by a phone number or word and this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

Regarding claim 12 Kim teaches Gellen teaches a device as recited in claim 1 except for testing whether a language of the call is one in which the called party is willing to accept. Kim teaches allowing a user to register words that would be used to determine which messages would be blocked or accepted (see paragraphs [0019] & [0025]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether a language of the call is one in which the called party is willing to accept because a specific language can be identified by words and this would allow for an improved method of handling electronic messages with respect to filtering and delivery of messages in accordance with user preferences.

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Regarding claim 19 Gellens and Kim teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 20 Gellens and Kim teaches a device as recited in claim 12 and is rejected given the same reasoning as above.

Response to Arguments

Applicant's arguments filed 08/04/2006 have been fully considered but they are not persuasive.

Regarding claims 1 and 13 Gellens teaches responsive to messages being received at a server, applying filtering rules to determine if the messages are to be forwarded, previewed or deleted (see paragraph [0037] & [0038]). This relates to responsive to receipt of an SMS or MMS call, determining whether a calling party of the call may attempt to complete the call because a determination as to whether a sending party's message is to be forwarded, previewed or deleted is analogous to a determination of whether a calling party may attempt to complete an SMS or MMS call.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., screening calls for the calling party) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 1 and 13 Gellens teaches determining if a message is to be read or deleted by previewing summary information, after making this determination the mobile user can then cause similar messages to be automatically handled in the same way based on specific

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characteristics (see paragraphs [0046] & [0047]). This relates to determining whether a called party has allowed SMS or MMS calls having characteristics of the SMS or MMS call to be completed because allowing a message that is similar to previous messages to be delivered indicates that a called party has allowed messages having characteristics of the message to be completed.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., either sending a message to the called party or blocking the message from reaching the called party, the decision being determined automatically) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang et al. Pub. No.: US 2004/0203589 A1 discloses a method and system for controlling messages in a communication network.

Alperovich et al. U.S. Patent No. 6,101,393 discloses selective acceptance of short message service (SMS) messages in a cellular telephone network.

Creamer et al. Pub. No.: US 2004/0121759 A1 discloses a pre-connection call authentication within a telephony network

Zhu Pub. No.: US 2005/0048998 A1 discloses a handportable cellular telephone adapted to receive messages and a method for processing messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be "B. Smith".

October 10, 2006

A handwritten signature in black ink, appearing to be "George Eng".

GEORGE ENG
SUPERVISORY PATENT EXAMINER